

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: St Paul District
FILE NUMBER: 05-525-DJP

REGULATORY PROJECT MANAGER: Dale J. Pfeifle **Date:** February 7, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** February 7, 2005
 At the project site (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: Wisconsin
County: Racine
Center coordinates of site by latitude & longitudinal coordinates: 15
Approximate size of site/property (including uplands & in acres): 42.7330717587N, 87.958653799W
Name of waterway or watershed: Root-Pike, Wisconsin, Illinois

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or **Approved** X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): On February 3, 2005, a complete application was received for a proposal to discharge fill materials in 0.12 acre of a larger 1.03 acre wetland complex for the construction of a residential subdivision road. The remaining 0.91 acre of wetland would not be directly impacted by the proposed development and would be preserved.

A review of the Sturtevant, WI 7.5 minute quadrangle identifies the presence of wetlands at the site through the use of wetland spot symbols. The USGS quadrangle does not identify any surface water connections between the spot symbols and the mapped streams located 0.5 miles east and 1 mile west of the project site. The Racine County soil survey identifies a hydric soil series, totally surrounded by upland soil series. The mapped drainage pattern in the soil survey indicates that water flows into but not out of the project site wetland. A review of SEWRPC aerial photography from 1985, 1990, 1995, and 2000 did not reveal any surface water connections between the project site wetland and the local waterways identified above. Waters of the US are not

located in close proximity to the subject wetland. Therefore it is not an adjacent water. In addition, an interstate commerce connection could not be established. The subject wetland is therefore, isolated.